

REMARKS

By this response, claim 8, the only independent claim in the application, has been amended to more particularly point out the invention and distinguish it from the cited references.

Claim 8 and its single dependent claim 11 have been rejected as unpatentable under 35 U.S.C. §103(a) in view of Rosser, U.S. Patent No. 6,446,261, and further in view of a newly cited reference to Watts et al., U.S. Patent No. 6,324,694. The Rosser reference was thoroughly discussed in the previous Office Action. As the Examiner states, the Rosser patent does not disclose the claimed "means for allowing a user to view the descriptive and time/channel data and to select one channel for viewing from the timetable file."

The Examiner cites Watts et al. as teaching a method and apparatus for allowing a user to view descriptive and time/channel data and to select one channel for viewing from the timetable. The Examiner concludes that it would have been obvious to one of skill in the art at the time of the invention to provide an electronic program guide to allow the user to select a channel for viewing from the program guide information in a system as disclosed in Rosser.

However, claim 11, even before amended, included limitations which define the timetable file as including descriptive and time/channel data relating to the commercial components of the transmitted television programs as well as data relating to alternative commercial components which may be used to replace commercial components of said programs along with means to allow a user to view the descriptive and time/channel data to select one channel for viewing at the timetable file as well as means for using the descriptive and time/channel data along with the stored profile of the viewer's demographic information to substitute selected commercials from the storage means for commercials transmitted with the program material on the selected channel.

This dual purpose of the timetable file is certainly unique and there is no suggestion in either of the references of using a single timetable file for both purposes of selecting programs and substituting commercials within the selected program. This dual function has been emphasized by the amendment to claim 8 which would add a whereby clause reading "whereby, said timetable file performs the dual functions of assisting a user in selecting a channel for viewing and enabling the substitution of selected commercials from the storage means for commercials transmitted with the program material on the selected channel."

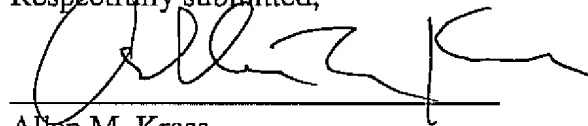
The Watts et al. patent makes no reference to commercials accompanying the program material or arrangements for changing those commercials based on a stored profile of the user's demographics. Similarly, Rosser makes no reference to an electronic program guide. While Watts et al. might suggest the concept of providing an electronic program guide in Rosser's system, it does not in any way suggest using an electronic program guide accompanied by data related to the commercial components of transmitted television programs and data related to alternative commercial components for the dual purposes of allowing a user to select a program for viewing and for achieving the substitution of previously stored commercials for those that accompany the selected program.

It is respectfully submitted that the teachings of Watts et al. and Rosser could only be combined in the manner defined in claim 8 in view of the teachings of the present application. Such hindsight reconstruction is of course impermissible to support a rejection based on obviousness.

Claim 11 adds to claim 8 the limitation that the means for transmitting a timetable file with descriptive and time/channel data includes such data for the commercial segments which are stored. Neither of the cited references disclose that feature.

Reconsideration and allowance of the present application are accordingly respectfully solicited.

Respectfully submitted,



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